

CLIENT ALERT

CONSUMER LAW | TURKEY

FEBRUARY 2023

GUIDELINES ON ENVIRONMENTAL DECLARATIONS IN ADVERTISEMENTS HAVE BEEN PUBLISHED

Official "Guidelines on Advertisements Containing Environmental Declarations" (the "**Guidelines**"), issued on the basis of Law 6502 on Consumer Protection and the Regulation on Commercial Advertisements and Unfair Commercial Practices have been published. The Guidelines are set out in the decision numbered 2022/2 of the Advertisement Board dated 13 December 2022 and numbered 328. The Guidelines are intended to provide guidance to ensure that any environmental declarations and visuals made in commercial advertisements and applications made by advertisers, advertising agencies, and media organisations properly comply with the relevant legislation.

The Guidelines define an environmental declaration as *"a statement or visual relating to environmental benefits, or not having harmful environmental effects, in connection with the components, manufacturing method, supply process, use or disposal of the advertised goods or services."*

In addition, general concepts such as "green", "sustainable", "eco", "eco-friendly", "nature-friendly", "environmentally friendly", "environmentally friendly slogans", "zero waste", "recyclable", "environmentally safe", "energy efficient", "recyclable", "carbon neutral", "renewable", "green energy", are explained in the Guidelines.

In this regard, the key issues regulated in the Guidelines are as follows:

- Advertisers, advertising agencies and media organisations cannot use environmental declarations in advertisements in a way that:
 - exploits the sensitivity of consumers to environmental matters, or their potential lack of information;
 - deceive consumers in any way;
 - creates ambiguity regarding the effects of that good or service, or its production processes;
 - suggests that the legal procedures and standards the goods or services must comply with under the relevant legislation are different or superior to those of its competitors or equivalents;
- Advertisers, advertising agencies and media organisations should not use comparative environmental declarations without making the content of the comparison clear, or imply that the advertised good or service covers all elements, without indicating which part, component or process it is referring to.
- Environmental declarations related to biodegradability, solubility and recyclability must specify whether these declarations apply to the product as a whole or just a part of it, and whether the procedure requires any special equipment or additional actions.
- Furthermore, detailed regulations have been introduced regarding
 - certificates & approvals,
 - declarations related to degradability,

- declarations related to recyclability,
- declarations related to renewable energy,
- declarations related to reclaimed water provided in advertisements of a good, its package or relating to a service.

The Guidelines emphasise that all advertisements containing environmental declarations should be created with a sense of responsibility towards the target audience and society, and that the overarching principle of the Guidelines is to prevent misleading visuals and statements. To ensure that an advertisement is not misleading, it should include clear and apparent explanations to be placed close to the relevant claims. In addition, explanations should be free of distractions and understandable to the intended audience in order to be effective.



In compliance with Turkish bar regulations, opinions relating to Turkish law matters that are included in this client alert have been issued by Özdirekcan Dündar Şenocak Ak Avukatlık Ortaklığı, a Turkish law firm acting as correspondent firm of Gide Loyrette Nouel in Turkey.

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